

Exhibit "5"

order to allow my chosen union representative, RAM , to be present instead of the Kelly Brehm appointed SOI Lee. APDP Louie responded that she would get back to me with an answer and about an hour later, she called and stated that the meeting was moved to Friday 10-10-97 at 12:30 pm.

38. No other Senior Immigration Inspector at the Honolulu International Airport was told to have a union representative present because a supervisor was going to serve the employee with a PWP. No other employee was ever ordered to use the union representative that was chosen by his supervisor. Generally, the only time a union representative is needed is when there is an anticipation of disciplinary action against the employee. Further, it's the employee not the employer, that makes this determination. Kelly Brehm knew this because everyone at the Honolulu International Airport was given a copy of a annual notice of right to union representation when requested at certain meetings with agency representatives. In this notice, it states, " The Civil Service Reform Act gives employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action". (My Exhibit AY).
39. By Kelly Brehm's act of ordering me to have my union representative present, this communicates to me that I am in some serious trouble and I needed someone from the union there to protect my rights. Further, Kelly Brehm did not give me the opportunity to decide if I wanted to have a union representative present. This was a direct order from him.
40. On 10/10/97 Kelly Brehm met with me in order to discuss and serve a Performance Work Plan (PWP)-the final edition according to Kelly Brehm. Kelly Brehm again said he was going to send this forward to my Official Personnel Folder (OPF). Again, I refused to sign this document. Present was union President Bishnu Ramsarran and Kelly Brehm's witness Supervisor Immigration Inspector (SII) , then an acting Assistant Port Director (AAPD), Fran Kovaloff.
41. On 02/02/98 I received a response to a Freedom of Information (FOIA) request from the Immigration and Naturalization Service, P.O. Box 30080, Laguna Niguel, California, 92607. Enclosed within the requested was a photo copy of the Performance Appraisal Record I originally signed on 05/06/98 and which had illicit modifications. It listed the Rating Period from September 29, 1996 to August 09, 1997. This PWP was signed by Kelly Brehm, DPD Steve Roberson, APD Patricia A. MURRAY and as a witness, then Acting Area Port Director APD Fran Kovaloff. (My Exhibit BG).
42. These signatures represented the highest ranking officers at the Honolulu International Airport. The acts leading up to the service of the various PWP's and the knowledge that the highest ranking officers at the Honolulu International